

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 665**  
**98TH GENERAL ASSEMBLY**

4848H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 135.679, 261.235, 348.430, 348.432, 348.436, and 414.082, RSMo, and to enact in lieu thereof seven new sections relating to agriculture.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 135.679, 261.235, 348.430, 348.432, 348.436, and 414.082, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 135.679, 135.686, 261.235, 348.430, 348.432, 348.436, and 414.082, to read as follows:

135.679. 1. This section shall be known and may be cited as the "Qualified Beef Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Agricultural property", any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) "Authority", the agricultural and small business development authority established in chapter 348;

(3) "Backgrounded", any additional weight at the time of the first qualifying sale, before being finished, above the established baseline weight;

(4) "Baseline weight", the average weight in the immediate past **[three] two** years of all beef animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for qualified beef animals that are physically out-of-state but whose ownership is retained by a resident of this state shall be established by the average transfer weight in the immediate past **[three] two** years of all beef animals that are thirty months of age or younger and that are

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 transferred out-of-state but whose ownership is retained by a resident of this state, categorized  
19 by sex. The established baseline weight shall be effective for a period of three years. If the  
20 taxpayer is a qualifying beef animal producer with fewer than [three] **two** years of production,  
21 the baseline weight shall be established by the available average weight in the immediate past  
22 year of all beef animals sold that are thirty months of age or younger, categorized by sex. If the  
23 qualifying beef animal producer has no previous production, the baseline weight shall be  
24 established by the authority;

25 (5) "Finished", the period from backgrounded to harvest;

26 (6) "Qualifying beef animal", any beef animal that is certified by the authority, that was  
27 born in this state after August 28, 2008, that was raised and backgrounded or finished in this state  
28 by the taxpayer, excluding any beef animal more than thirty months of age as verified by certified  
29 written birth records;

30 (7) "Qualifying sale", the first time a qualifying beef animal is sold in this state after the  
31 qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying  
32 beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef  
33 animal at the time of the first qualifying sale of such beef animal;

34 (8) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding  
35 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

36 (9) "Taxpayer", any individual or entity who:

37 (a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by  
38 sections 143.191 to 143.265, or the tax imposed in chapter 147;

39 (b) In the case of an individual, is a resident of this state as verified by a 911 address or  
40 in the absence of a 911 system, a physical address; and

41 (c) Owns or rents agricultural property and principal place of business is located in this  
42 state.

43 3. For all [taxable] **tax** years beginning on or after January 1, 2009, but ending on or  
44 before December 31, [2016] **2021**, a taxpayer shall be allowed a tax credit for the first qualifying  
45 sale and for a subsequent qualifying sale of all qualifying beef animals.

46 (1) The tax credit amount for the first qualifying sale shall be ten cents per pound **for**  
47 **qualifying sale weights under six hundred pounds and twenty-five cents per pound for**  
48 **qualifying sale weights of six hundred pounds or greater**, shall be based on the backgrounded  
49 weight of all qualifying beef animals at the time of the first qualifying sale, and shall be  
50 calculated as follows:

51 (a) **If the qualifying sale weight is under six hundred pounds**, the qualifying sale  
52 weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight  
53 is equal to or greater than [two] **one** hundred pounds above the baseline weight; **or**

54           **(b) If the qualifying sale weight is six hundred pounds or greater, the qualifying**  
55 **sale weight minus the baseline weight multiplied by twenty-five cents, as long as the**  
56 **qualifying sale weight is equal to or greater than one hundred pounds above the baseline**  
57 **weight.**

58           **(2)** The tax credit amount for each subsequent qualifying sale shall be ten cents per  
59 pound **for qualifying sale weights under six hundred pounds and twenty-five cents per**  
60 **pound for qualifying sale weights of six hundred pounds or greater**, shall be based on the  
61 backgrounded weight of all qualifying beef animals at the time of the subsequent qualifying sale,  
62 and shall be calculated as follows:

63           **(a) If the qualifying sale weight is under six hundred pounds**, the qualifying sale  
64 weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight  
65 is equal to or greater than [two] **one** hundred pounds above the baseline weight; **or**

66           **(b) If the qualifying sale weight is six hundred pounds or greater, the qualifying**  
67 **sale weight minus the baseline weight multiplied by twenty-five cents, as long as the**  
68 **qualifying sale weight is equal to or greater than one hundred pounds above the baseline**  
69 **weight.**

70

71 The authority may waive no more than twenty-five percent of the [two hundred pound] **one-**  
72 **hundred-pound** weight gain requirement, but any such waiver shall be based on a disaster  
73 declaration issued by the U. S. Department of Agriculture.

74           4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's  
75 state tax liability for the [taxable] **tax** year for which the credit is claimed. No tax credit claimed  
76 under this section shall be refundable. The tax credit shall be claimed in the [taxable] **tax** year  
77 in which the qualifying sale of the qualifying beef occurred, but any amount of credit that the  
78 taxpayer is prohibited by this section from claiming in a [taxable] **tax** year may be carried  
79 forward to any of the taxpayer's [five] **four** subsequent [taxable] **tax** years [and carried backward  
80 to any of the taxpayer's three previous taxable years]. **The total amount of tax credits that any**  
81 **taxpayer may claim shall not exceed fifteen thousand dollars per year. No taxpayer shall**  
82 **be allowed to claim tax credits under this section for more than three years.** The amount  
83 of tax credits that may be issued to all eligible applicants claiming tax credits authorized in this  
84 section **and section 135.686** in a [fiscal] **calendar** year shall not exceed [three] **two** million  
85 dollars. Tax credits shall be issued on an as-received application basis until the [fiscal] **calendar**  
86 year limit is reached. Any credits not issued in any [fiscal] **calendar** year shall expire and shall  
87 not be issued in any subsequent years.

88           5. To claim the tax credit allowed under this section, the taxpayer shall submit to the  
89 authority an application for the tax credit on a form provided by the authority and any application

90 fee imposed by the authority. The application shall be filed with the authority at the end of each  
91 calendar year in which a qualified sale was made and for which a tax credit is claimed under this  
92 section. The application shall include any certified documentation and information required by  
93 the authority. All required information obtained by the authority shall be confidential and not  
94 disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and  
95 the qualified sale meet all criteria required by this section and approval is granted by the  
96 authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit  
97 certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed,  
98 and the new owner of the tax credit certificate shall have the same rights in the tax credit as the  
99 original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise  
100 conveyed, a notarized endorsement shall be filed with the authority specifying the name and  
101 address of the new owner of the tax credit certificate or the value of the tax credit.

102 6. Any information provided under this section shall be confidential information, to be  
103 shared with no one except state and federal animal health officials, except as provided in  
104 subsection 5 of this section.

105 7. **The authority shall, at least annually, submit a report to the Missouri general**  
106 **assembly reviewing the costs and benefits of the program established under this section.**

107 8. The authority may promulgate rules to implement the provisions of this section. Any  
108 rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
109 authority delegated in this section shall become effective only if it complies with and is subject  
110 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
111 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant  
112 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
113 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
114 or adopted after August 28, 2007, shall be invalid and void.

115 [8.] 9. This section shall not be subject to the Missouri sunset act, sections 23.250 to  
116 23.298.

**135.686. 1. This section shall be known and may be cited as the “Meat Processing**  
2 **Facility Investment Tax Credit Act”.**

3 **2. As used in this section, the following terms mean:**

4 **(1) "Authority", the agricultural and small business development authority**  
5 **established in chapter 348;**

6 **(2) “Meat processing facility”, any commercial plant, as defined under section**  
7 **265.300, at which livestock are slaughtered or at which meat or meat products are**  
8 **processed for sale commercially and for human consumption;**

9 **(3) “Meat processing modernization or expansion”, constructing, improving, or**  
10 **acquiring buildings or facilities, or acquiring equipment for meat processing including the**

11 following, if used exclusively for meat processing and if acquired and placed in service in  
12 this state during tax years beginning on or after January 1, 2017, but ending on or before  
13 December 31, 2021:

14 (a) Building construction including livestock handling, product intake, storage, and  
15 warehouse facilities;

16 (b) Building additions;

17 (c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and  
18 waste facilities;

19 (d) Livestock intake and storage equipment;

20 (e) Processing and manufacturing equipment including cutting equipment, mixers,  
21 grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes,  
22 motors, pumps, and valves;

23 (f) Packaging and handling equipment including sealing, bagging, boxing, labeling,  
24 conveying, and product movement equipment;

25 (g) Warehouse equipment including storage and curing racks;

26 (h) Waste treatment and waste management equipment including tanks, blowers,  
27 separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or  
28 industrial products;

29 (i) Computer software and hardware used for managing the claimant's meat  
30 processing operation including software and hardware related to logistics, inventory  
31 management, production plant controls, and temperature monitoring controls; and

32 (j) Construction or expansion of retail facilities or the purchase or upgrade of retail  
33 equipment for the commercial sale of meat products if the retail facility is located at the  
34 same location as the meat processing facility.

35 (4) "Tax credit", a credit against the tax otherwise due under chapter 143,  
36 excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due  
37 under chapter 147;

38 (5) "Taxpayer", any individual or entity who:

39 (a) Is subject to the tax imposed under chapter 143, excluding withholding tax  
40 imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;

41 (b) In the case of an individual, is a resident of this state as verified by a 911  
42 address or, in the absence of a 911 system, a physical address; and

43 (c) Owns a meat processing facility located in this state;

44 (6) "Used exclusively", used to the exclusion of all other uses except for use not  
45 exceeding five percent of total use.

46 3. For all tax years beginning on or after January 1, 2017, but ending on or before  
47 December 31, 2021, a taxpayer shall be allowed a tax credit for meat processing

48 modernization or expansion related to the taxpayer's meat processing facility. The tax  
49 credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the  
50 tax year for meat processing modernization or expansion.

51 4. The amount of the tax credit claimed shall not exceed the amount of the  
52 taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit  
53 claimed under this section shall be refundable. The tax credit shall be claimed in the tax  
54 year in which the meat processing modernization or expansion expenses were paid, but any  
55 amount of credit that the taxpayer is prohibited by this section from claiming in a tax year  
56 may be carried forward to any of the taxpayer's four subsequent tax years. The total  
57 amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand  
58 dollars per year. If two or more persons own and operate the meat processing facility, each  
59 person may claim a credit under this section in proportion to his or her ownership interest;  
60 except that, the aggregate amount of the credits claimed by all persons who own and  
61 operate the meat processing facility shall not exceed seventy-five thousand dollars per year.  
62 The amount of tax credits authorized in this section and section 135.679 in a calendar year  
63 shall not exceed two million dollars. Tax credits shall be issued on an as-received  
64 application basis until the calendar year limit is reached. Any credits not issued in any  
65 calendar year shall expire and shall not be issued in any subsequent year.

66 5. To claim the tax credit allowed under this section, the taxpayer shall submit to  
67 the authority an application for the tax credit on a form provided by the authority and any  
68 application fee imposed by the authority. The application shall be filed with the authority  
69 at the end of each calendar year in which a meat processing modernization or expansion  
70 project was completed and for which a tax credit is claimed under this section. The  
71 application shall include any certified documentation, proof of meat processing  
72 modernization or expansion, and any other information required by the authority. All  
73 required information obtained by the authority shall be confidential and not disclosed  
74 except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the  
75 meat processing modernization or expansion meet all criteria required by this section and  
76 approval is granted by the authority, the authority shall issue a tax credit certificate in the  
77 appropriate amount. Tax credit certificates issued under this section may be assigned,  
78 transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate  
79 shall have the same rights in the tax credit as the original taxpayer. If a tax credit  
80 certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement  
81 shall be filed with the authority specifying the name and address of the new owner of the  
82 tax credit certificate and the value of the tax credit.

83           **6. Any information provided under this section shall be confidential information,**  
84 **to be shared with no one except state and federal animal health officials, except as provided**  
85 **in subsection 5 of this section.**

86           **7. The authority shall promulgate rules establishing a process for verifying that a**  
87 **facility's modernization or expansion for which tax credits were allowed under this section**  
88 **has in fact expanded the facility's production within three years of the issuance of the tax**  
89 **credit and if not, the authority shall promulgate through rulemaking a process by which**  
90 **the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.**

91           **8. The authority shall, at least annually, submit a report to the Missouri general**  
92 **assembly reviewing the costs and benefits of the program established under this section.**

93           **9. The authority may promulgate rules to implement the provisions of this section.**  
94 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
95 **under the authority delegated in this section shall become effective only if it complies with**  
96 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
97 **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
98 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
99 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
100 **rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be**  
101 **invalid and void.**

102           **10. This section shall not be subject to the Missouri sunset act, sections 23.250 to**  
103 **23.298.**

261.235. 1. There is hereby created in the state treasury for the use of the agriculture  
2 business development division of the state department of agriculture a fund to be known as "The  
3 AgriMissouri Fund". All moneys received by the state department of agriculture for Missouri  
4 agricultural products marketing development from any source, including trademark fees, shall  
5 be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general  
6 assembly to the state department of agriculture, be expended by the agriculture business  
7 development division of the state department of agriculture for promotion of Missouri  
8 agricultural products under the AgriMissouri program. The unexpended balance in the  
9 AgriMissouri fund at the end of the biennium shall not be transferred to the general revenue fund  
10 of the state treasury and accordingly shall be exempt from the provisions of section 33.080  
11 relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

12           2. There is hereby created within the department of agriculture the "AgriMissouri  
13 Advisory Commission for Marketing Missouri Agricultural Products". The commission shall  
14 establish guidelines, and make recommendations to the director of agriculture, for the use of  
15 funds appropriated by the general assembly for the agriculture business development division  
16 of the department of agriculture, and for all funds collected or appropriated to the AgriMissouri

17 fund created pursuant to subsection 1 of this section. The guidelines shall focus on the  
18 promotion of the AgriMissouri trademark associated with Missouri agricultural products that  
19 have been approved by the general assembly, and shall advance the following objectives:

20 (1) Increasing the impact and fostering the effectiveness of local efforts to promote  
21 Missouri agricultural products;

22 (2) Enabling and encouraging expanded advertising efforts for Missouri agricultural  
23 products;

24 (3) Encouraging effective, high-quality advertising projects, innovative marketing  
25 strategies, and the coordination of local, regional and statewide marketing efforts;

26 (4) Providing training and technical assistance to cooperative-marketing partners of  
27 Missouri agricultural products.

28 3. The commission may establish a fee structure for sellers electing to use the  
29 AgriMissouri trademark associated with Missouri agricultural products, **so long as the fees**  
30 **established and collected under this subsection do not yield revenue greater than the total**  
31 **cost of administering this section during the ensuing year.** [Under the fee structure:

32 (1) A seller having gross annual sales greater than two million dollars per fiscal year of  
33 Missouri agricultural products which constitute the final product of a series of processes or  
34 activities shall remit to the agriculture business development division of the department of  
35 agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half  
36 of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying  
37 the AgriMissouri trademark; and

38 (2) All sellers having gross annual sales less than or equal to two million dollars per  
39 fiscal year of Missouri agricultural products which constitute the final product of a series of  
40 processes or activities shall, after three years of selling Missouri agricultural products carrying  
41 the AgriMissouri trademark, remit to the agriculture business development division of the  
42 department of agriculture, at such times and in such manner as may be prescribed, a trademark  
43 fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of  
44 products carrying the AgriMissouri trademark.] All trademark fees shall be deposited to the  
45 credit of the AgriMissouri fund, created pursuant to this section.

46 4. [The agriculture business development division of the department of agriculture is  
47 authorized to promulgate rules consistent with the guidelines and fee structure established by the  
48 commission. No rule or portion of a rule shall become effective unless it has been promulgated  
49 pursuant to the provisions of chapter 536.

50 5.] The commission shall consist of nine members appointed by the governor with the  
51 advice and consent of the senate. One member shall be the director of the agriculture business  
52 development division of the department of agriculture, or his or her representative. At least one

53 member shall be a specialist in advertising; at least one member shall be a specialist in  
54 agribusiness; at least one member shall be a specialist in the retail grocery business; at least one  
55 member shall be a specialist in communications; at least one member shall be a specialist in  
56 product distribution; at least one member shall be a family farmer with expertise in livestock  
57 farming; at least one member shall be a family farmer with expertise in grain farming and at least  
58 one member shall be a family farmer with expertise in organic farming. Members shall serve  
59 for four-year terms, except in the first appointments three members shall be appointed for terms  
60 of four years, three members shall be appointed for terms of three years and three members shall  
61 be appointed for terms of two years each. Any member appointed to fill a vacancy of an  
62 unexpired term shall be appointed for the remainder of the term of the member causing the  
63 vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by  
64 the commission.

65 [6.] 5. Commission members shall receive no compensation but shall be reimbursed for  
66 actual and necessary expenses incurred in the performance of their official duties on the  
67 commission. The division of agriculture business development of the department of agriculture  
68 shall provide all necessary staff and support services as required by the commission to hold  
69 commission meetings, to maintain records of official acts and to conduct all other business of  
70 the commission. The commission shall meet quarterly and at any such time that it deems  
71 necessary. Meetings may be called by the chairperson or by a petition signed by a majority of  
72 the members of the commission. Ten days' notice shall be given in writing to such members  
73 prior to the meeting date. A simple majority of the members of the commission shall be present  
74 to constitute a quorum. Proxy voting shall not be permitted.

75 **6. If the commission does establish a fee structure as permitted under subsection**  
76 **3 of this section, the agriculture business development division of the department of**  
77 **agriculture shall promulgate rules establishing the commission's fee structure. The**  
78 **department of agriculture shall also promulgate rules and regulations for the**  
79 **implementation of this section. Any rule or portion of a rule, as that term is defined in**  
80 **section 536.010 that is created under the authority delegated in this section shall become**  
81 **effective only if it complies with and is subject to all of the provisions of chapter 536, and,**  
82 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
83 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**  
84 **the effective date, or to disapprove and annul a rule are subsequently held**  
85 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
86 **after August 28, 2016, shall be invalid and void.**

348.430. 1. The tax credit created in this section shall be known as the "Agricultural  
2 Product Utilization Contributor Tax Credit".

3 2. As used in this section, the following terms mean:

4 (1) "Authority", the agriculture and small business development authority as provided  
5 in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited liability  
7 company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility producing either a good derived from an  
9 agricultural commodity or using a process to produce a good derived from an agricultural  
10 product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative association formed  
12 pursuant to chapter 274, or incorporated pursuant to chapter 357, for the purpose of operating  
13 within this state a development facility or a renewable fuel production facility;

14 (5) "Eligible new generation processing entity", a partnership, corporation, cooperative,  
15 or limited liability company organized or incorporated pursuant to the laws of this state  
16 consisting of not less than twelve members, approved by the authority, for the purpose of owning  
17 or operating within this state a development facility or a renewable fuel production facility in  
18 which producer members:

19 (a) Hold a majority of the governance or voting rights of the entity and any governing  
20 committee;

21 (b) Control the hiring and firing of management; and

22 (c) Deliver agricultural commodities or products to the entity for processing, unless  
23 processing is required by multiple entities;

24 (6) "Renewable fuel production facility", a facility producing an energy source which is  
25 derived from a renewable, domestically grown, organic compound capable of powering  
26 machinery, including an engine or power plant, and any by-product derived from such energy  
27 source.

28 3. For all tax years beginning on or after January 1, 1999, a contributor who contributes  
29 funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise  
30 due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265,  
31 chapter 148 chapter 147, in an amount of up to one hundred percent of such contribution. Tax  
32 credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated  
33 quarterly tax pursuant to this subsection. If a quarterly tax credit claim or series of claims  
34 contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not  
35 be refunded but shall be applied to the next taxable year. The awarding of such credit shall be  
36 at the approval of the authority, based on the least amount of credits necessary to provide  
37 incentive for the contributions. A contributor that receives tax credits for a contribution to the  
38 authority shall receive no other consideration or compensation for such contribution, other than  
39 a federal tax deduction, if applicable, and goodwill.

40 4. A contributor shall submit to the authority an application for the tax credit authorized  
41 by this section on a form provided by the authority. If the contributor meets all criteria  
42 prescribed by this section and the authority, the authority shall issue a tax credit certificate in the  
43 appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable  
44 year in which the contributor contributes funds to the authority. For all fiscal years beginning  
45 on or after July 1, 2004, tax credits allowed pursuant to this section [may be carried back to any  
46 of the contributor's three prior tax years and] may be carried forward to any of the contributor's  
47 [five] **four** subsequent taxable years. Tax credits issued pursuant to this section may be  
48 assigned, transferred or sold and the new owner of the tax credit shall have the same rights in the  
49 credit as the contributor. Whenever a certificate of tax credit is assigned, transferred, sold or  
50 otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the  
51 name and address of the new owner of the tax credit or the value of the credit.

52 5. The funds derived from contributions in this section shall be used for financial  
53 assistance or technical assistance for the purposes provided in section 348.407 to rural  
54 agricultural business concepts as approved by the authority. The authority may provide or  
55 facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts,  
56 but limited to two million dollars per project or the net state economic impact, whichever is less.  
57 Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for  
58 an amount that is the least amount necessary to cause the project to occur, as determined by the  
59 authority. The authority may structure the loans, equity investments or guaranteed loans in a way  
60 that facilitates the project, but also provides for a compensatory return on investment or loan  
61 payment to the authority, based on the risk of the project.

62 6. In any given year, at least ten percent of the funds granted to rural agricultural business  
63 concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single  
64 rural agricultural business concept shall receive more than two hundred thousand dollars in grant  
65 awards from the authority. Agricultural businesses owned by minority members or women shall  
66 be given consideration in the allocation of funds.

67 **7. The authority shall, at least annually, submit a report to the Missouri general**  
68 **assembly reviewing the costs and benefits of the program established under this section.**

348.432. 1. The tax credit created in this section shall be known as the "New Generation  
2 Cooperative Incentive Tax Credit".

3 2. As used in this section, the following terms mean:

4 (1) "Authority", the agriculture and small business development authority as provided  
5 in this chapter;

6 (2) "Development facility", a facility producing either a good derived from an  
7 agricultural commodity or using a process to produce a good derived from an agricultural  
8 product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative association formed  
10 pursuant to chapter 274 or incorporated pursuant to chapter 357 for the purpose of operating  
11 within this state a development facility or a renewable fuel production facility and approved by  
12 the authority;

13 (4) "Eligible new generation processing entity", a partnership, corporation, cooperative,  
14 or limited liability company organized or incorporated pursuant to the laws of this state  
15 consisting of not less than twelve members, approved by the authority, for the purpose of owning  
16 or operating within this state a development facility or a renewable fuel production facility in  
17 which producer members:

18 (a) Hold a majority of the governance or voting rights of the entity and any governing  
19 committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the entity for processing, unless  
22 processing is required by multiple entities;

23 (5) "Employee-qualified capital project", an eligible new generation cooperative with  
24 capital costs greater than fifteen million dollars which will employ at least sixty employees;

25 (6) "Large capital project", an eligible new generation cooperative with capital costs  
26 greater than one million dollars;

27 (7) "Producer member", a person, partnership, corporation, trust or limited liability  
28 company whose main purpose is agricultural production that invests cash funds to an eligible  
29 new generation cooperative or eligible new generation processing entity;

30 (8) "Renewable fuel production facility", a facility producing an energy source which is  
31 derived from a renewable, domestically grown, organic compound capable of powering  
32 machinery, including an engine or power plant, and any by-product derived from such energy  
33 source;

34 (9) "Small capital project", an eligible new generation cooperative with capital costs of  
35 no more than one million dollars.

36 3. Beginning tax year 1999, and ending December 31, 2002, any producer member who  
37 invests cash funds in an eligible new generation cooperative or eligible new generation  
38 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due  
39 pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265 or  
40 chapter 148, chapter 147, in an amount equal to the lesser of fifty percent of such producer  
41 member's investment or fifteen thousand dollars.

42 4. For all tax years beginning on or after January 1, 2003, any producer member who  
43 invests cash funds in an eligible new generation cooperative or eligible new generation  
44 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due  
45 pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265,

46 chapter 147 or chapter 148, in an amount equal to the lesser of fifty percent of such producer  
47 member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be  
48 done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3  
49 of this section. If a quarterly tax credit claim or series of claims contributes to causing an  
50 overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be  
51 applied to the next taxable year.

52 5. A producer member shall submit to the authority an application for the tax credit  
53 authorized by this section on a form provided by the authority. If the producer member meets  
54 all criteria prescribed by this section and is approved by the authority, the authority shall issue  
55 a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may  
56 be [carried back to any of the producer member's three prior taxable years and] carried forward  
57 to any of the producer member's [five] **four** subsequent taxable years regardless of the type of  
58 tax liability to which such credits are applied as authorized pursuant to subsection 3 of this  
59 section. Tax credits issued pursuant to this section may be assigned, transferred, sold or  
60 otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit  
61 as the producer member. Whenever a certificate of tax credit is assigned, transferred, sold or  
62 otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the  
63 name and address of the new owner of the tax credit or the value of the credit.

64 6. Ten percent of the tax credits authorized pursuant to this section initially shall be  
65 offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits  
66 offered to small capital costs projects is unused in any calendar year, then the unused portion of  
67 tax credits may be offered to employee-qualified capital projects and large capital projects. If  
68 the authority receives more applications for tax credits for small capital projects than tax credits  
69 are authorized therefor, then the authority, by rule, shall determine the method of distribution of  
70 tax credits authorized for small capital projects.

71 7. Ninety percent of the tax credits authorized pursuant to this section initially shall be  
72 offered in any fiscal year to employee-qualified capital projects and large capital projects. If any  
73 portion of the ninety percent of tax credits offered to employee-qualified capital projects and  
74 large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may  
75 be offered to small capital projects. The maximum tax credit allowed per employee-qualified  
76 capital project is three million dollars and the maximum tax credit allowed per large capital  
77 project is one million five hundred thousand dollars. If the authority approves the maximum tax  
78 credit allowed for any employee-qualified capital project or any large capital project, then the  
79 authority, by rule, shall determine the method of distribution of such maximum tax credit. In  
80 addition, if the authority receives more tax credit applications for employee-qualified capital  
81 projects and large capital projects than the amount of tax credits authorized therefor, then the

82 authority, by rule, shall determine the method of distribution of tax credits authorized for  
83 employee-qualified capital projects and large capital projects.

84 **8. The authority shall, at least annually, submit a report to the Missouri general**  
85 **assembly reviewing the costs and benefits of the program established under this section.**

348.436. The provisions of sections 348.430 to 348.436 shall expire December 31,  
2 [2016] **2021.**

414.082. 1. The fee for the inspection of gasoline, gasoline-alcohol blends, kerosene,  
2 diesel fuel, heating oil, aviation turbine fuel, and other motor fuels under this chapter shall be  
3 fixed by the director of revenue at a rate per barrel which will approximately yield revenue equal  
4 to the expenses of administering this chapter; except that, until December 31, [1993, the rate  
5 shall be one and one-half cents per barrel and beginning January 1, 1994, the fee shall not be less  
6 than one and one-half cents per barrel nor exceed two and one-half] **2016, the rate shall not**  
7 **exceed two and one-half cents per barrel, from January 1, 2017, through December 31,**  
8 **2021, the rate shall not exceed four cents per barrel, and after January 1, 2022, the rate**  
9 **shall not exceed five cents per barrel.**

10 2. Annually the director of the department of agriculture shall ascertain the total  
11 expenses for administering sections 414.012 to 414.152 during the preceding year, and shall  
12 forward a copy of such expenses to the director of revenue. The director of revenue shall fix the  
13 inspection fee for the ensuing calendar year at such rate per barrel, within the limits established  
14 by subsection 1 of this section, as will approximately yield revenue equal to the expenses of  
15 administering sections 414.012 to 414.152 during the preceding calendar year and shall collect  
16 the fees and deposit them in the state treasury to the credit of the "Petroleum Inspection Fund"  
17 which is hereby created. Beginning July 1, 1988, all expenses of administering sections 414.012  
18 to 414.152 shall be paid from appropriations made out of the petroleum inspection fund.

19 3. The unexpended balance in the fund at the end of each fiscal year shall not be  
20 transferred to the general revenue fund of the state, and the provisions of section 33.080 relating  
21 to the transfer of funds to the general revenue fund of the state by the state treasurer shall not  
22 apply to this fund.

23 4. The state treasurer shall invest all sums in the petroleum inspection fund not needed  
24 for current operating expenses in interest-bearing banking accounts or United States government  
25 obligations in the manner provided by law. All yield, increment, gain, interest or income derived  
26 from the investment of these sums shall accrue to the benefit of, and be deposited within the state  
27 treasury to the credit of, the petroleum inspection fund.

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